

# **Exhibit 16**

**From:** [Baimel, Stuart](#)  
**To:** [Hogan, John \(ATR\)](#)  
**Cc:** [Rubinstein, Franklin](#); [Nierlich, George \(ATR\)](#); [Seo, Sang Ha \(Karen\) \(ATR\)](#)  
**Subject:** Re: Update Requests for CID No. 30471  
**Date:** Thursday, November 19, 2020 4:09:08 PM

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John--see below in [blue](#) for our responses in-line.

S.

**Stuart B. Baimel**  
Wilson Sonsini Goodrich & Rosati  
(805) 705-3126

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**From:** Hogan, John (ATR) <John.Hogan2@usdoj.gov>  
**Sent:** Tuesday, November 17, 2020 1:35 PM  
**To:** Rubinstein, Franklin; Baimel, Stuart  
**Cc:** Nierlich, George (ATR); Seo, Sang Ha (Karen) (ATR)  
**Subject:** Update Requests for CID No. 30471

[External]

Franklin and Stuart:

Thanks for the call this morning. As discussed, the Division requests an update by Thursday, November 19 on the items below. We would appreciate if you could provide these updates by 1 p.m. on Thursday.

1. Ad Tech Integration Agreements

- The Division first requested these agreements from Alphabet on August 6 and I again requested these agreements on October 29 under CID No. 30471. Please provide an update on when the Division can expect Alphabet to produce these agreements.
- [Google is currently reviewing these documents and expects to produce them in the next few weeks. We will also need to allow for time to provide notice to the counterparties in these agreements.](#)

2. Data Call

- The Division requested a call with the appropriate Google employee(s) on August 28 regarding data questions specific to GAM, AdX, AdMob, and AdSense (i.e., Requests 1 & 2 in the Division's August 28 letter). The Division again requests a call on these questions under CID No. 30471. Please provide an update on the status of scheduling this call or responding to these questions.
- [We have collected the data and responses for these requests, but it still needs to be vetted and finalized. We should be able to produce this information in the next week or so.](#)

3. Priority Data Requests

- Attached please find the Division's priority data requests for CID No. 30471. As discussed in the letter, three of these requests are consistent

with previous requests from the Division.

- As stated in the letter, provide an estimate of the time Alphabet needs to produce each priority data request. The Division will identify an order of priority for these requests following your response.
- [Rasta Data](#): This data has been preserved. Google is investigating how long it will take to produce this data.
- [YouTube Data](#): This data has largely been collected but needs to be vetted and finalized before we provide it to DOJ. We should be able to provide in the next couple of weeks.
- [Demand-Side Data](#): This data has largely been collected but needs to be vetted and finalized before we provide it to DOJ. We should be able to provide in the next couple of weeks. We are still investigating some aspects of this request, namely the request for historical discounts from the rate card.
- [Log-Level Bid Data from GAM](#): Google is investigating how long it will take to collect this data. We expect to provide an estimate next week.

#### 4. Search Terms

- We look forward to receiving on Thursday the search terms Alphabet used for each specification to identify responsive materials for the non-priority Group C custodians which Alphabet produced on November 14 in response to CID No. 30471. As discussed today, we understand that you will also provide a red line of search terms you propose to remove as we move forward.
- [We have the search terms and are working on providing a redline of terms we propose to remove.](#)

#### 5. Production Metrics

- Please provide the following metrics for Alphabet's November 14 production of materials for the non-priority Group C custodians:

number of docs pulled;

number of docs that hit the search terms (before deduplication);

number of unique docs (after deduplication);

number of non-responsive docs;

number of responsive docs that are not withheld from production;

number of docs currently withheld for privilege;

number of docs withheld for privilege in vi., the number of docs determined privileged vs. under review; and

number of documents in iii. not accounted for in iv., v., and vi., and a brief explanation of categories of such docs.

- Moving forward, we request a regular update on these metrics for Ad Tech and YouTube custodians.
- [We are working on collecting those metrics. It should not take long to pull this information.](#)

#### 5. Collaborative Work Environments

- Explain the process Alphabet uses to collect materials from Collaborative Work Environments including, but not limited to, G Suite, Google Docs, and Google Hangouts.

Specifically, provide an explanation for the process used to collect chats and identify Alphabet's retention policy for chats.

- As explained in our ESI questionnaire, Google uses G Suite (including Google Docs, Slides and Sheets) as its collaborative software. Google does not use Sharepoint or equivalent programs. G Suite documents are collected with a back-end procedure for all custodians.
- Regarding chats, Google's retention policy, provided to the Division last year, states that "on the record" chats will be preserved as part of the legal hold.
- Those on a hold notice are instructed to mark relevant discussions as "on the record."

#### 6. Text Messages

- Please provide additional details regarding the steps Alphabet is taking to preserve text messages which includes, but is not limited to, traditional text/SMS/MMS messages, WhatsApp, Facebook Messenger, Signal, and Telegram for Ad Tech and YouTube custodians.
- As we have explained to the Division, Google's offices are closed and we cannot collect text messages from custodians' mobile devices. Custodians have received a hold notice with instructions to preserve all relevant communications, including all forms of P2P messaging.

Please let me know if you have any questions.

Best,

John

**John J. Hogan**

Trial Attorney

United States Department of Justice

Antitrust Division | Technology and Financial Services Section

450 5<sup>th</sup> Street, NW Suite 7632

Washington, D.C. 20530

Cell: 202-288-2195 | Office: 202-598-2289

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